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DATE: September 28, 2009

PTO IDENTIFIER: Application Number 10/630,555-Conf. #7477
Patent Number 7,592,428

Inventor: Kohei Miyazono et al.

MESSAGE TO: Certificate of Corrections Branch

FAX NUMBER: (703) 308-6672 + (571) 2738300

FROM: FULBRIGHT & JAWORSKI L.L.P.

Norman D. Hanson

PHONE: (212) 318-3168

Attorney Dkt. #: NY-LUD 5298-US5-DIV (10309270)

Certificate

SEP 30 2009

of Correction

PAGES (Including Cover Sheet): 6

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Copy of Decision on Petition dated December 31, 2007
Certificate of Transmission (1 page)

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LUD 5298.5-DIV
(PATENT)

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Dated: September 28, 2009 Signature: Fani Malikouzakia

(Fani Malikouzakia)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Kohei Miyazono et al.

Patent No.: 7,592,428

Issued: September 22, 2009

For: ANTIBODIES WHICH BIND SPECIFICALLY TO
ACTIVIN RECEPTOR LIKE KINASES

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.322

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patentee hereby petitions the Commissioner to issue a Certificate of Correction for the above referenced patent. It is submitted that the USPTO erred in issuing the patent.

The error occurs at:

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 920 days.

This patent is subject to a terminal disclaimer.

The text should read, simply:

SEP 29 2009

Patent No.: 7,592,428

Docket No.: NY-LUD 5298-US5-DIV

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 920 days.

* * *

The patent under consideration is NOT subject to a terminal disclaimer.

A terminal disclaimer was in fact filed in this application leading to the patent; however, a petition to withdraw the terminal disclaimer was filed, on September 17, 2007, and granted on December 31, 2007. A copy of the Decision on Petition is attached.

No terminal disclaimers were filed thereafter, so the issued patent is not subject to a terminal disclaimer.

Favorable consideration of this Request is solicited.

The error was not in the application as filed by applicant; accordingly no fee is required. Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-LUD 5298-US5-DIV (10309270) from which the undersigned is authorized to draw.

Dated: September 28, 2009

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

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Attorney for Applicant

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

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PATENT NO. 7,592,428.
APPLICATION NO. 10/630,555.
ISSUE DATE September 22, 2009
INVENTOR(S) Kohei Miyazono et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 920 days.

Certificate of Correction
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (703) 308-6672, on the date shown below.

Dated: September 28, 2009

Signature:

Fani Malikouzakia
(Fani Malikouzakia)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Norman D. Hanson

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1

SEP 29 2009



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DEC 31 2007

OFFICE OF PETITIONS
DECISION ON PETITION

In re Application of
Miyazono et al.
Application No. 10/630,555
Filed: July 30, 2003
Attorney Docket No. NY-LUD 5298.5 DIV-
US

This is a decision on the petition filed September 17, 2007 requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed October 11, 2006 be withdrawn. The \$400.00 petition fee has been received.

The petition is granted.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended [cancelled] to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

This application is being forwarded to Art Unit 1646 for further processing.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) - 272-3215

Charlema Grant
Petitions Attorney
Office of Petitions

Approved for use through 07/31/2006. OMB 0851-0031
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Application No. (if known): 10/630,555

Attorney Docket No.: NY-LUD 5298-US5-DIV

Certificate of Transmission under 37 CFR 1.8

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on September 28, 2009
Date

Fani Malikouzakis
Signature

Fani Malikouzakis

Typed or printed name of person signing Certificate

Registration Number, if applicable

(212) 318-3220
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

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